

REMARKS

This Amendment is being filed in response to the Office Action mailed April 28, 2011, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1, 4-7, 9, 13-18, 20-22 and 24-26 are pending in this application, where claims 2-3, 8, 10-12, 19 and 23 had been previously canceled without prejudice, and claims 4-5 have been currently canceled without prejudice. Claims 1, 9, 13, 14, 16, 17, 20, 21, 22, 24, 25 and 26 are independent.

In the Office Action, claims 1, 4-7, 9, 13-18, 20, 22 and 25-26 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2003/0229899 (Thompson). Further, claim 21 and 24 are rejected under 35 U.S.C. §103(a) over Thompson. These rejections are respectfully traversed. It is respectfully submitted that the claims are allowable over Thompson for at least the following reasons.

Thompson is directed to an interactive television system that includes a client or set top box 1000 having event table 1006, as shown in FIGs 1-3. "Event table 1006 is a software module for associating time references with events ... that are associated with an ETV application 1007." (Thompson, paragraph [0023], last four lines)

It is respectfully submitted that Thompson does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 9,

13, 14, 16, 17, 20, 21, 22, 24, 25 and 26 which, amongst other patentable elements, recites (illustrative emphasis provided):


wherein the playlist comprises a mark with a presentation time and wherein the event information is information that the playback device reached the mark during playback, wherein the **mark is a chapter mark or a skip mark**.

Accordingly, it is respectfully requested that independent claims 1, 9, 13, 14, 16, 17, 20, 21, 22, 24, 25 and 26 be allowed. In addition, it is respectfully requested that claims 6-7, 15 and 18 also be allowed at least based on their dependence from independent claims 1, 14 and 17 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,


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